

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BOARD OF COUNTY	*	
COMMISSIONERS OF CECIL COUNTY	*	
	*	
v.	*	Civil No. JFM-06-751
	*	
PAUL MRAZ	*	

MEMORANDUM

The Board of County Commissioners of Cecil County ("the County") instituted this action in the District Court of Maryland for Cecil County, Maryland. The County seeks permanent injunctive relief against Paul Mraz on the ground that Mraz allegedly is maintaining an unsafe structure (a former office building) in violation of a County ordinance. Mraz removed the action to this court, and the County has filed a motion to remand and/or abstain.

The County's motion will be treated as one to remand and, as such, will be granted. The sole basis on which Mraz removed the action was that allegedly a federal question is presented because the office building in question is located on a Superfund site as to which the United States Environmental Protection Agency issued an administrative abatement order sixteen years ago. In opposing remand, Mraz relies upon the case of *Mraz v. Occupants of Providence Site*, Civil Case No. 89-PVN-1735, that was removed to this court from the Circuit Court for Cecil County, Maryland in 1990. That case is not at all on point because the reason that it was removed to federal court was that the EPA and a contractor working to clean up the site under the auspices of the EPA were party defendants.

On the present state of the record, this is a garden variety building code enforcement case in which the EPA has not sought to intervene and no other federal interest is present.

Accordingly, no federal question is presented and remand to the District Court of Maryland for Cecil County is appropriate.¹

Date: June 21, 2006

/s/
J. Frederick Motz
United States District Judge

¹Mraz indicates in his opposition to the County's motion that he may join the EPA as a defendant. If and when he does so, the nature of the case may change and the EPA, if it chooses to do so, may seek removal.

/s/
J. Frederick Motz
United States District Judge